

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICKY LOVEJOY,
Plaintiff

vs.

COMMONWEALTH OF
PENNSYLVANIA (state), CITY OF
HARRISBURG, LOCAL
GOVERNMENT,
Defendants

:
:
:
: CIVIL NO. 1:CV-12-1037
:
: (Judge Caldwell)
:
:
:

M E M O R A N D U M

The pro se plaintiff, Ricky Lovejoy, an inmate at SCI-Pittsburgh, filed this civil-rights action asserting various claims arising from his arrest and 2002 state convictions on drug-trafficking charges and for using and possessing drug paraphernalia.¹ We granted him in forma pauperis status. By way of a memorandum and order of June 3, 2013, we: (1) dismissed the Commonwealth as a defendant; (2) dismissed some of the civil-rights claims under *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994); and (3) dismissed other civil-rights claims as being barred by the two-year statute of limitations on civil-rights actions. *Lovejoy v. Commonwealth of Pennsylvania*, 2013 WL 2392996 (M.D. Pa.). We gave Plaintiff an opportunity to show why the civil-rights claims not barred by *Heck* were nonetheless timely. Plaintiff responded on August 26, 2013, but failed to provide sufficient detail. By

¹ Plaintiff also sought habeas relief. We directed him to file a separate habeas petition, and we have dismissed that petition as time-barred. *Lovejoy v. Capozza*, No. 13-CV-2014 (M.D. Pa.).

memorandum and order of September 18, 2013, we required another response that would set forth specific facts showing the complaint was timely.

On December 6, 2013, Plaintiff filed that response (Doc. 40) arguing that his claims were filed in a timely manner. We have carefully reviewed this response, along with Doc. 10 from Plaintiff's habeas action, which Plaintiff incorporated by reference.² We conclude that Petitioner's arguments are insufficient. As we observed in dismissing the habeas action as time-barred, essentially Petitioner has not shown that he is entitled to equitable tolling during the relevant time period or that he exercised due diligence.

/s/William W. Caldwell
William W. Caldwell
United States District Judge

Date: January 27, 2014

² Plaintiff's habeas case also appeared to be untimely, and we had requested in that case that he explain why it was timely. Document 10 was his response in the habeas case.